

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD CALLOWAY,	:	
Plaintiff,	:	
v.	:	Civil Action No. 05-420J
UNITED STATES MARSHALS SERVICE,	:	
WARDEN JOHN PREBISH, and SHERIFF:	:	
BOB KOLAR,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 21, 2005, docket no. 2, recommending that the complaint be dismissed in part for failure to state a claim against defendants Prebish and Kolar. 28 U.S.C. § 1915(e)(2)(B).

The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff has not filed objections, and the time to do so has expired. After review of the record and the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 19<sup>th</sup> day of December, 2005, it is

ORDERED that plaintiff's complaint is dismissed as to defendants Prebish and Kolar for failure to state a claim. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written in a smaller, more compact script, while "R. Gibson" is written in a larger, more expansive script with a prominent "G".

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

CC:

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